

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Kenji Suzuki

**FILED VIA EFS ON OCTOBER 20, 2008**

**Application No.** 10/556,712

**Filed:** November 9, 2005

**Confirmation No.** 6606

**For:** ILLUMINATION OPTICAL SYSTEM,  
PROJECTION/EXPOSURE DEVICE,  
MICRO DEVICE MANUFACTURING  
METHOD, ILLUMINATION DEVICE  
MANUFACTURING METHOD,  
PROJECTION/EXPOSURE DEVICE  
ADJUSTMENT METHOD, AND  
PROJECTION/EXPOSURE DEVICE  
MANUFACTURING METHOD

**Examiner:** Hung Nguyen

**Art Unit:** 2851

**Attorney Reference No.** 4641-71773-01

COMMISSIONER FOR PATENTS  
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**ELECTION AND REPLY TO RESTRICTION REQUIREMENT**

This paper is submitted in reply to the Restriction Requirement (RR), dated September 22, 2008.

Applicant thanks the Examiner for reconsidering and withdrawing the previous restriction.

Applicant provisionally elects the claims in Group I (claims 52-65 and 86-89), and traverses the RR in part, as follows:

All the groups have been placed in class 355. Group I, as stated in the RR has been classified in subclass 52 ("projection printing cameras"; "distortion introducing or rectifying") because the claims in this group allegedly are directed to "correcting illumination irregularities in the illumination area." Group IV, as stated in the RR has been classified in subclass 67 ("projection printing cameras"; "illumination systems or details") because the claims in this group allegedly are directed to "reflectivity distribution for correcting illumination irregularities

in the illumination area." The "reason" for classifying Group IV appears nearly identical to the "reason" for classifying Group IV, yet the groups are alleged by the Office as somehow having "separate status." Applicant does not understand the Office's position, and the RR provides no further explanation of this discrepancy. The evidence of record indicates that the restriction of Groups I and IV was not based on discernible distinctions between the groups, but rather was made arbitrarily. Since the record does not appear to properly support the restriction of Group IV from Group I, reconsideration and withdrawal of that particular restriction is requested. I.e., inclusion of Group IV with Group I appears appropriate and hereby requested.

Group III has been placed in subclass 57 ("projection printing cameras"; "focus or magnification control automatic or semiautomatic"; "focusing when varying image size"; "reflector between original and photosensitive paper"). This classification is not understood because it requires "focusing when varying image size" which is not an element of the claims in this group. Furthermore, according to the Manual of Patent Classification, "reflector between original and photosensitive paper" is a subset of the element "focusing when varying image size." Hence, neither "focusing when varying image size" nor "reflector between original and photosensitive paper" appear to be applicable to the claims in this group. Furthermore, "focusing when varying image size" does not appear to pertain to this group any more than it does to the claims of Group I. Thus, the evidence of record indicates that the Office has not sufficiently or properly distinguished the claims of Group III from Group I. Therefore, reconsideration and withdrawal of this particular restriction is requested. I.e., inclusion of Group III with Group I appears appropriate and is hereby requested.

Group V has been placed in subclass 69 ("projection printing cameras"; "illumination systems and details"; "electricity to lamp controlled"). This classification is not understood. The impropriety of placing any of the claims in this classification has already been traversed (see Reply of July 3, 2008, last paragraph) because none of the claims in this group states anything about controlling electricity to a lamp. Applicant stands by that traversal. Furthermore, the RR contends that the claims in this group require "adjusting a projection exposure system." This is misleading, especially with respect to claims 96-99, which specifically require that the illumination system comprise correction means for correcting illumination irregularities. Hence, at least with respect to claims 96-99, this restriction appears arbitrary. In fact, the evidence of

record indicates that, more probably than not, at least claims 96-99 properly should be included in Group I. Action to such end is hereby requested.

The RR defends the restrictions for "reasons" including the following: (a) the inventions have acquired a separate status in the art in view of their 'separate classification'; [and] (b) the inventions have acquired a separate status in the art due to their 'recognized divergent subject matter' . . . ." Notice is hereby made that these criteria are not fulfilled simply because the Office contends they are, particularly if the evidence of record is contrary to the Office's contention. As discussed above, the evidence of record does not support the restriction at least of: (1) Group III from Group I, (2) Group IV from Group I, and (3) claims 96-99 from Group I.

Lastly, notice is hereby taken that the claims of Group II (stated in the RR as being "drawn to an illumination optical system having multiple optical elements and correcting means for correcting illumination irregularities arising from a non-uniform optical intensity distribution of polarized light in the illumination area") appear to be a subset of claims in Group I (stated in the RR as being "drawn to an illumination system having a collimator, a condenser, a fly'eye mirror . . . for correcting illumination irregularities in the illumination area"). Hence, Applicant reserves the right to have at least certain claims in Group II added to the claims in Group I in the event of allowance of, for example, claim 1.


It is believed that no fees are required to file this Election and Reply to Restriction Requirement. However, if any fees are required, please charge said fees to Deposit Account No. 02-4550.

Respectfully submitted,

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